

12-10-01

LMC:ejv 12/5/01 84366.doc
 Attorney Reference Number 3533-61755
 PATENT

EXPRESS MAIL LABEL NO. EL584430178US
 DATE OF DEPOSIT: November 27, 2001

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 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION
 COMMISSIONER FOR PATENTS
 WASHINGTON, D.C. 20231

Transmitted herewith for filing is the divisional patent application of:

Inventor(s): Anup Sircar

For: LOW-BORON GLASS FIBERS AND GLASS COMPOSITIONS FOR MAKING THE SAME

Enclosed are:

- 16 pages of specification, 5 pages of claims, and an abstract
- An Oath or Declaration
- A copy of oath or declaration filed with the prior application (37 C.F.R. § 1.63(d))
- A copy of Supplementary Declaration by Assignee on Behalf of Inventor Who Refuses to Sign Declaration (37 C.F.R. § 1.47(b) filed with the prior application.
- A copy of Notice of Grant of Petition under 37 C.F.R. § 1.47(b) filed September 5, 2000.
- Preliminary Amendment

Continuing Application:

- Continuation
- Divisional
- Continuation-in-part (CIP)

Information from Prior Application:

Prior Application Number:	09/533,385
Examiner:	K. Group
Art Unit:	1755

- Please enter the preliminary amendment prior to calculation of fees. The fee has been calculated as shown in the table below.

FILING FEE					
For	Claims Filed	Number Allotted	Number Extra	Rate	Basic Fee
Total Claims	10	20	= 0	\$9.00	\$ 0.00
Independent Claims	3	3	= 0	\$42.00	\$ 0.00
Multiple Dependent Claim Fee					\$140.00
TOTAL FILING FEE					\$370.00

- Small entity status is claimed for this application.
- A check in the amount of \$370.00 to cover filing fee and assignment recordal fee is enclosed.

- Assignee for this application is or will be Evanite Fiber Corporation, and applicant requests that this information be listed on the published application.
- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
- The Director is hereby authorized to charge any additional fees which may be required in connection with the filing of this application and recording any assignment filed herewith, or credit over-payment, to Account No. 02-4550. A copy of this sheet is enclosed.
- Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By 
Lisa M. Caldwell
Registration No. 41,653

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

cc: Docketing

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EVANITE

LMC:cjv DR/28/00 3533-5381B 15136

TEL: 541 753 0343

P. 010

PATENT
Attorney's Matter No. 3533-5381B

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10/010531
12/05/01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Art Unit: 1731

Anup Sircar

Application No. 09/533,385

Filed: March 22, 2000

For: LOW-BORON GLASS FIBERS AND
GLASS COMPOSITIONS FOR
MAKING THE SAME

Examiner:

Date: August 28, 2000

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on 9/1/00 as First Class Mail in an envelope addressed to COMMISSIONER FOR PATENTS,
WASHINGTON, D.C. 20231.

Attorney for Applicant

**PETITION UNDER 37 C.F.R. § 1.47(b) AND STATEMENT OF FACTS IN
SUPPORT OF FILING ON BEHALF OF NON-SIGNING INVENTOR ANUP SIRCAR**

TO THE COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

This petition and statement of facts are made as to the exact facts that are relied upon to establish that diligent effort has been made to secure the execution of the declaration by the non-signing inventor Anup Sircar (inventor who refuses to sign) for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

This statement is made by the available person having first-hand knowledge of the facts recited therein.

IDENTIFICATION OF PERSONS MAKING THIS STATEMENT OF FACTS

TM Singh
Evanite Fiber Corporation
1115 SE Crystal Lake Drive
PO Box E
Corvallis, Oregon 97339-0598

LAST KNOWN ADDRESS OF THE NON-SIGNING INVENTOR

Anup Sircar
2563 NW Kinderman Dr.
Corvallis, Oregon 97330



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 5

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP
ONE WORLD TRADE CENTER, SUITE 1600
121 S.W. SALMON STREET
PORTLAND, OR 97204-2988

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OFFICE OF PETITIONS
A/C PATENTS

In re Application of :
Anup Sircar :
Application No. 09/533,385 : DECISION ACCORDING STATUS
Filed: March 22, 2000 : UNDER 37 CFR 1.47(b)
Attorney Docket No. 3533-53818 :
:

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12/05/01

This is in response to the "Petition Under 37 CFR 1.47(b)," filed September 5, 2000.

The petition is granted.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(b), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Karen Creasy at (703) 305-8859.

This application is being forwarded to Technology Center 1700 for further examination in due course.

Frances Hicks
Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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h

RECORDATION FORM COVER SHEET

PATENTS ONLY

To the Director of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of Conveying Party(ies): Anup Sircar	2. Name and address of receiving party(ies): Name: Evanite Fiber Corporation Internal Address: _____
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
3. Nature of Conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____	Street Address: 1115 SE Crystal Lake Drive
Execution Date: April 13, 1998	City Corvallis State OR ZIP 97339
Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____	
--	--

A. Patent Application No.(s) 09/533,385	B. Patent No.(s)
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5. Name and address of party to whom correspondence concerning document should be mailed: Name: Lisa M. Caldwell Klarquist Sparkman Campbell Leigh & Whinston, LLP Internal Address: One World Trade Center, Suite 1600 Street Address: 121 S.W. Salmon Street Portland, Oregon 97204-2988	6. Total number of applications and patents involved: 1 7. Total fee (37 C.F.R. § 3.41): \$40.00 Enclosed 8. <input checked="" type="checkbox"/> Any deficiency/overpayment is authorized to be charged to deposit account 02-4550
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DO NOT USE THIS SPACE

9. Statement and signature.		
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To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Lisa M. Caldwell

Name of Person Signing

Signature

9/1/00

Date

Total number of pages including cover sheet, attachments and document: 7

INVENTION DISCLOSURE FORM

Sheet 1 of 4

1. TITLE OF INVENTION: BORIC OXIDE FREE GLASS FIBER COMPOSITION AND USE

2. INVENTOR(S):

Name: ANUP SIRCAR
Address: 2563 N.W. KINDERMAN DR
CORVALLIS, OREGON 97330

Payroll Code: _____
Citizen of: USA

Extension: 346

Name: _____
Address: _____

Payroll Code: _____
Citizen of: _____

Extension:

Additional inventors:

JC978 U.S. PRO
10/010531
12/05/01

DISCLOSURE REPORT

PROOF OF CONCEPTION

A. By whom was first drawing made? ANUP SIRCAR Date MARCH 96
Location of first drawing Office

B. By whom was first description written? ANUP SIRCAR Date APRIL 96
Location of first description _____

C. To whom was invention first disclosed? T.M. SINGH Date APRIL 96

4. REDUCTION TO PRACTICE

A. Was a device embodying the invention constructed and tested or
the process practiced? Yes No

B. By whom was the device constructed and tested or the process
practiced? ANUP SIRCAR Date Completed NOT YET COMPLETED
Date Started APRIL/MAY 96

C. Present location of documents, including photographs, drawings,
and data sheets showing reduction to practice: OFFICE AT EVANITE

EXHIBIT

A

INVENTION DISCLOSURE FORM

Sheet 2 of 4

5. WORK ASSIGNMENT

A. Indicate by account number and title project(s) to which time was charged in the development of the invention.

Account No. _____ Project Name _____

Account No. _____ Project Name _____

B. Was the invention developed under a government contract? Yes () No (x). Contract No. _____

6. PUBLIC DISCLOSURE

A. Has the invention been publicly disclosed in a printed publication? Yes () No (x) Publication _____ Date _____

B. Has the invention been publicly disclosed in any other way such as, for example, in a presentation, at a conference, or in a demonstration? Yes () No (x) If so, when and where? _____

C. If the invention has not been publicly disclosed, is public disclosure of it planned? Yes (x) No () If so, when and where? _____

D. Are there any related invention disclosures or patent applications? Yes () No (x) If so, please elaborate. _____

7. SALE

A. Has a product embodying the invention or made by the invention been sold or offered for sale? Yes (x) No () If so, when? _____

B. If a product embodying the invention or made by the invention has not been sold or offered for sale, are there plans to sell or offer for sale such a product? Yes () No () If so, what is the planned date of sale or offer for sale? _____

NOTE

INVENTION DISCLOSURE FORM

Sheet 3 of 4

8. SUMMARY OF THE INVENTION

A. Give a brief description of the invention, particularly pointing out the feature(s) believed to be new.

SEE ATTACHED DISCLOSURE STATEMENT

B. Explain the purpose and advantages of the invention. What benefit does it provide and/or what problem does it solve?

SEE ATTACHED DISCLOSURE STATEMENT

C. Describe or identify the prior art known to you which is improved upon or displaced by the invention.

NO EXACT PRIOR ART FOR THIS COMPOSITION AND USE

10010531-120601

INVENTION DISCLOSURE FORM

Sheet 4 of 4

9. DETAILED DESCRIPTION OF THE INVENTION

A. Describe the invention in detail using additional sheets as necessary. Be sure that each additional sheet is signed and dated by each inventor and two witnesses. The description should include at least one drawing or sketch. If the invention has been tested, briefly summarize the results which confirm the functions and advantages listed in Section 8B above. Append any reports or other material which would help to describe the invention.

SEE SHEET APPENDED

10010531-120501

Anup Subbarao
signature inventor

3/2/98
date

signature inventor _____
date

Read and understood by:

Tulsi
signature witness

3/2/98
date

signature witness _____
date

1115 S.E. Crystal Lake Drive
Post Office Box E
Corvallis, Oregon
97339-0598

(541) 753-0388 Fax
(541) 753-1211 Phone



March 24, 2000

*Return Receipt
Requested*

Dr. Anup Sircar
SGR, Inc.
2563 NW Kinderman Drive
Corvallis OR 97330

Dear Dr. Sircar,

RE: Patent Application: *Low Boron Glass Fiber Composition and Glass Composition for Making Same*

Thanks for reviewing the final draft of the patent application referred to above. Per my earlier letter of March 20, 2000 and your fax of March 20, 2000, we hope your attorney had a chance to review the *Combined Declaration and Power of Attorney for Patent Application* by now.

As requested earlier, please forward it to us duly signed and dated by you in blue ink as soon as possible.

We are providing another copy of the Combined Declaration in case you have forwarded the original one to your attorney.

Sincerely,

T. M. Singh
Director of Technology

Attachment

c: Tony Gaetz

EXHIBIT

A

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EVANITE

TEL: 541 753 0343

P. 012

LMC:ejv 08/28/00 3533-53818 15136

PATENT
Attorney's Matter N . 3533-53818

5. The inventor Anup Sircar never returned the declaration nor responded to TM Singh's telephone call.

Date:

8/29/00

T.M.Singh
TM Singh
Director of Technology
Evanite Fiber Corporation

TO GO TO THE END OF THE DOCUMENT

FACTS ESTABLISHING ASSIGNEE'S (EVANITE FIBER CORPORATION'S) PROPRIETARY INTEREST IN THE APPLICATION

1. On April 13, 1998, the non-signing inventor, Anup Sircar, assigned all of his rights, title, and interest in the subject application to Evanite Fiber Corporation (**Exhibit A**).
2. On April 14, 1998, TM Tm inventor Anup Sircar terminated his employment with Assignee, Evanite Fiber Corporation.

DETAILS OF EFFORTS TO OBTAIN NON-SIGNING INVENTOR ANUP SIRCAR'S SIGNATURE

1. On or about March 17, 2000, TM Singh, Director of Technology of Evanite Fiber Corporation (the Assignee of the subject patent application), telephoned and spoke to inventor Anup Sircar. TM Singh informed the inventor that he was forwarding a copy of the subject application and a Declaration for review and execution, respectively. The inventor Anup Sircar responded with the comment to send the papers and that he would "see what he needed to do."
2. On or about March 24, 2000, TM Singh mailed (via U.S. Mail, Return Receipt Requested) a letter to the inventor Anup Sircar requesting review of the enclosed application and execution of the enclosed declaration (**Exhibit B**).
3. On or about March 27, 2000, TM Singh received from the U.S. Post Office a Return Receipt having inventor Anup Sircar's signature indicating that the inventor Anup Sircar received the letter, application, and declaration on March 25, 2000 (**Exhibit C**).
4. On or about March 31, 2000, TM Singh telephoned inventor Anup Sircar to inquire as to whether the inventor intended to execute and return the declaration for the subject application. The inventor was not available; TM Singh left a message on the inventor's voice mail requesting that inventor please sign and return the declaration.

TOP SECRET//COMINT

SCANNED, # 9

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly)	B. Date of Delivery <u>3/25/06</u>
C. Signature <u>Anup Sircar</u>	
<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No	
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
1. Article Addressed to: <u>Dr. A. Sircar</u> <u>2563 NW</u> <u>KINDEMAN DR.</u> <u>CORVALLIS OR</u> <u>97330</u>	
2. Article Number (Copy from service label) <u>P-280-895-451</u>	
PS Form 3811, July 1999 Domestic Return Receipt 102595-99-M-1789	

EXHIBIT

B

A S S I G N M E N T

WHEREAS, I, Anup Sircar, of Corvallis, County of Benton, State of Oregon, have invented a certain invention (disclosure attached hereto as Exhibit A), entitled BORIC OXIDE FREE GLASS FIBER COMPOSITION AND USE, for which an application for Letters Patent of the United States is being made; and

WHEREAS, Evanite Fiber Corporation, a corporation organized under the laws of the State of Oregon, having a place of business at 1115 S.E. Crystal Lake Drive, Corvallis, Oregon 97339, is desirous of acquiring an interest therein:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, I, Anup Sircar, hereby sell, assign and transfer to Evanite Fiber Corporation, the full and exclusive right, title and interest in and to said invention, patent application and patent rights throughout the world, including foreign patent priority rights, the right to file and prosecute International Applications under the Patent Cooperation Treaty, and the right to file and prosecute applications under the European Patent Convention; said invention, application and letters patent in this or any foreign country, and all divisions, continuations, reissues and extensions thereof, to be held and enjoyed by Evanite Fiber Corporation, for its own use and benefit, and for its successors and assigns to the full end of the term for which letters patent may be granted in this or any foreign country, as fully and



entirely as the same would have been held by me had this assignment and sale not been made, and covenant that I have full right so to do, and agree that I will communicate to Evanite Fiber Corporation, or its successors and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths, and do everything possible to aid Evanite Fiber Corporation, its successors and assigns to obtain and enforce proper patent protection for said invention in this or any foreign country.

Executed at Corvallis, State of Oregon, this 13th day of April, 1998.

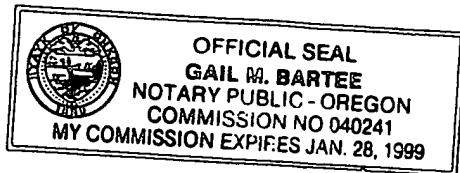
Anup Sircar
Anup Sircar

STATE OF Oregon)
) ss.
COUNTY OF Benton)

This 13th day of April, 1998, before me personally came the above-named Anup Sircar, who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

Gail M. Barbee
Notary Public for
My commission expires:

[SEAL]



A S S I G N M E N T

WHEREAS, I, Anup Sircar, of Corvallis, County of Benton, State of Oregon, have invented a certain invention (disclosure attached hereto as Exhibit A), entitled BORIC OXIDE FREE GLASS FIBER COMPOSITION AND USE, for which an application for Letters Patent of the United States is being made; and

WHEREAS, Evanite Fiber Corporation, a corporation organized under the laws of the State of Oregon, having a place of business at 1115 S.E. Crystal Lake Drive, Corvallis, Oregon 97339, is desirous of acquiring an interest therein:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, I, Anup Sircar, hereby sell, assign and transfer to Evanite Fiber Corporation, the full and exclusive right, title and interest in and to said invention, patent application and patent rights throughout the world, including foreign patent priority rights, the right to file and prosecute International Applications under the Patent Cooperation Treaty, and the right to file and prosecute applications under the European Patent Convention; said invention, application and letters patent in this or any foreign country, and all divisions, continuations, reissues and extensions thereof, to be held and enjoyed by Evanite Fiber Corporation, for its own use and benefit, and for its successors and assigns to the full end of the term for which letters patent may be granted in this or any foreign country, as fully and

entirely as the same would have been held by me had this assignment and sale not been made, and covenant that I have full right so to do, and agree that I will communicate to Evanite Fiber Corporation, or its successors and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths, and do everything possible to aid Evanite Fiber Corporation, its successors and assigns to obtain and enforce proper patent protection for said invention in this or any foreign country.

Executed at Corvallis, State of Oregon, this 13th day of April, 1998.

Anup Sircar
Anup Sircar

STATE OF Oregon)
)
 ss.
COUNTY OF Benton)

This 13th day of April, 1998, before me personally came the above-named Anup Sircar, who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

Gail M. Barbee

Notary Public for
My commission expires:

[SEAL]

